IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants:	Gabriel WECHTER et al.	§	Confirmation No.:	1387
		§		
Serial No.:	10/667,862	§	Group Art Unit:	2444
		§		
Filed:	09/23/2003	§	Examiner:	Umar Cheema
		§		
For:	Method And System For	§	Docket No.:	200311141-1
	Determining A Network	§		
	Management Scalability	§		
	Threshold Of A Network	§		
	Manager With Respect	§		
	To A Network	§		

REPLY BRIEF

Mail Stop Appeal Brief – Patents   Date: February 23, 2009
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer dated December 22, 2008, Appellants submit this Reply Brief for further consideration by the Board. Appellants repeat their arguments from their principle brief and offer the following additional comments in response to the Examiner's response on pages 8-9 of the Answer.

Claim 1 requires "determining a *maximum* size threshold of a *zone* in the network *based on* the gathered network information and the *gathered network manager information*." The Examiner states that Black teaches that "systems monitor the predetermined resource attributes for a certain initial period of time and then automatically set the threshold values based on the data gathered during that initial period etc." Answer, p. 9. Appellants respectfully submit that the threshold level disclosed in Black is not *based* on any *gathered network manager information* as required by claim 1. The threshold of Black may be determined based on the network information, however, nowhere in Black is a threshold determined by network manager information. Black, col. 1:34-46 ("If the values' of resource attributes exceed or fall below expected levels ... a

notice … is sent to the NMS. … Pushing data from the network devices to the NMS in accordance with thresholds provides increased scalability over NMS polling techniques."); Black, col. 4:1-20 ("Responding to the threshold event in accordance with an action defined within the thresholding code may include notifying a network manager of the threshold event … ."). Thus, Black discloses a system where the network manager *receives* information based on a threshold, the threshold not being determined using the *network manager* information at all. Hence, Black cannot anticipate claim 1.

Additionally, Black fails to disclose the use of a *maximum* size threshold of a *zone* in the network as required by claim 1. In fact, Black merely describes threshold and threshold events for a network; however, Black is silent with regard to a *maximum* size threshold of a *zone* in the network as required by claim 1. For at least these reasons, claim 1 and its dependent claims 2-9 are allowable over Black.

Claims 10 and 19 recite similar limitations as those discussed above. Thus, claims 10 and 19, along with their dependent claims 11-27, are allowable over Black.

For the reasons stated above as well as in Appellants' principle brief, Appellants respectfully submit that the Examiner erred in rejecting all pending claims. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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